

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COMMODORE FACTORS CORP.,

Plaintiff,

-against-

RICHARD COCHERL and JANICE COCHERL,

Defendants/Third-Party Plaintiffs,

-against-

SCOTT GINS and ANGELA GINS,

Third-Party Defendants.

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**THIRD-PARTY DEFENDANT'S DISCLOSURES PURSUANT TO RULE 26(a) (1)
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Third-Party Defendants, **SCOTT GINS** and **ANGELA GINS**, hereby make the following initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure (FRCP). These disclosures are made to the best of third-party defendants' knowledge at the time of service. Third-Party Defendants reserve the right to supplement these disclosures at any time should additional information become available. All individuals, documents and other material and information disclosed are without prejudice to the third-party defendants' right to assert any applicable objections or privilege, and such rights are hereby specifically reserved.

Index No.:
07-CV-3433 (TPG)

1. **WITNESSES:** The names and if known, the addresses and telephone numbers of the individuals likely to have discoverable information that third-party defendants may use to support their defense and counterclaims (other than impeachment), with the subject of the information in parenthesis (without necessarily limiting the potential subject matter of that information) are as follows:

(a) Scott Gins, 75 Fairhaven Drive, Allendale, New Jersey 07401-1121 (the material allegations of the Answer and Counterclaim);

(b) Howard Rubin, Officer of plaintiff, c/o Lazarus & Lazarus, P.C., 240 Madison Avenue, 8th Floor, New York, New York 10016 (the material allegations of the Answer and Counterclaim);

(c) Richard Cocherl, third-party plaintiff, Chairman, President, Shareholder of Jan R., Inc., 109 Forest Road, Allendale, New Jersey 07401 (the material allegations of the Answer & Counterclaim);

(d) Janice Cocheral, defendant, 109 Forest Road, Allendale, New Jersey 07401 (the material allegations of the Answer & Counterclaim);

(e) Asheesh Mathor, 100 Manhattan Avenue, 31602, Union City, New Jersey 07087 (the material allegations of the Answer & Counterclaim); and

(f) Frank Catrone, 169 Young Avenue, Cedar Grove, New Jersey 07009 (the material allegations of the Answer & Counterclaim).

2. **DOCUMENTS**: The following is a description by category of all documents, data, compilations and tangible things in third-party defendants' custody, control or possession that may be used to support its claim. Nothing herein precludes third-party defendants from supplementing, amending or modifying these as discoverable information becomes available.

(a) Correspondence;

(b) Jan R., Inc. - Commodore Factoring Agreement;

(c) Guarantees of Richard and Janice Cocherl;

(d) Financial documents from Valley National Bank, account no.: 63409417; and

(e) Financial documents from Wachovia Bank for account no.: 3696-6245.

3. **DAMAGES**: A computation of any category of damages claimed by third-party defendants is as follows: Damages on the first Counterclaim were computed by the analysis of the credits, debits and payments under the Jan R., Inc. - Commodore Factoring Agreement. Damages on the Second and Third Counterclaim were computed by analysis of the monies third-party defendants loaned to Richard Cocherl in June, 2005 and December, 2005.

4. **INSURANCE**: Not applicable.

This statement reflects what is now as of this date only, prior to discovery and prior to completion of any analysis of all of the facts.

Dated: New York, New York
January 15, 2008

Yours, etc.,

THE LAW OFFICES OF
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By: _____
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